

Appl. No. 10/631,794

Amdt. dated August 14, 2008

Reply to Office Action of May 14, 2008

Remarks/Arguments:

Claim Rejections – 35 USC § 101

Claim 1 is rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter.

Claims 1 and 6 were cancelled in the amendment dated July 7, 2008, and claims 4 and 7 were re-written into independent form including the limitations of base claim 1 and intervening claims 2 and 3, and base claim 6, respectively.

In the Advisory Action dated July 29, 2008, the Examiner indicated that the rejection under 35 U.S.C. § 101 applies equally to claims 4 and 7 (not previously rejected on those grounds).

Claims 4 and 7 have been further amended to incorporate hardware limitations of "a processor and memory", as suggested by the Examiner during the telephonic interview of August 13, 2008.

Retraction of the rejection of claims 4 and 7 under 35 U.S.C. § 101 is respectfully requested.

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Claim Rejections – 35 USC § 102

Claims 4, 5, 7 and 8 stand rejected under 35 U.S.C. 102(e) as being unpatentable having regard to US 6,697,840 (Godefroid et al).

In the Examiner's Advisory Action dated July 29, 2008, Examiner indicated that Godefroid et al teaches the claimed "role-based subscription request" and "role definition", as recited in claims 4 and 7.

Specifically, Examiner cites column 8, lines 9 – 18 of Godefroid for disclosing:

"The PA Server 109 stores the latest status of a user, and then notifies all participants (i.e. "role-based subscription request") of any update to anyone's availability status in accordance with the users' policies. When a user, for example 102, wants to check the availability of another user, for example 103, the PA Controller 106 for user 102 passes the request message to the PA Server 109. After querying the database, the PA Server 109 sends an available (user 103) or unavailable (user 103) message to user 102, depending on the actual availability of user 103 and in accordance with the policies of the user 102 and the user 103."

As discussed during the telephonic interview of August 13, 2008, Godefroid teaches notifying participants of the latest status of a user based on the user's policies.

Applicant concedes that this is known in the art. However, as set forth in Applicant's specification, for example in the Summary of Invention, "A key aspect of

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the present invention is the capability to subscribe to a user's availability based on a role. As indicated above, this is a feature not available in current presence services." Thus, as recited in claims 4 and 7, a watcher user agent issues a "role-based subscription request" for receiving availability information about a presentity that has registered "in at least one of a plurality of roles". As but one example, a USPTO Examiner may have numerous roles within the USPTO. The Examiner has the role of "examiner" but may also have roles as "instructor in the Patent Training Academy" or as a "supervisor" of several junior examiners. Such an Examiner could register himself with the system of claims 4 and 7, in "in at least one of [these] plurality of roles" (that is, the Examiner can register in multiple roles simultaneously or for different roles at different times of day, etc.) The Examiner can then set the claimed "notification policies" for these roles (e.g. "If I am registered in the role of examiner, then I am always available", or "If I am registered in the role of instructor then I am only available before 9 a.m. and after 3 p.m., or "if I am registered in the role of supervisor then I am available if I am not on the telephone"). By operation of the claimed "presence agent", the Examiner can regulate who he will permit role-based subscription requests from (e.g. by setting the claimed "subscription policies" such as "I will accept availability subscription requests for my role as supervisor only from the following watchers... [insert names of junior Examiners whose work is being supervised]").

Of course, Applicant's specification does not specifically discuss any example embodiments involving USPTO Examiners. However, Applicant's specification does include numerous other examples to illustrate the foregoing (e.g. paragraph [0033]

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refers to a Presentity controlling his/her availability in the particular *role* of "Nurse", and in paragraph [0068] "a teacher can be in a teaching role when in class and can therefore be available to particular persons from that class. Similarly, in medical applications doctors can take on particular roles in a hospital".

Returning to the cited column 8, lines 9 – 18 of Godefroid, the PA server 109 notifies of participants of the latest status of a user according to the user's availability policies without having regard to what role the user may be fulfilling within an organization, but is silent on any "role-based subscription request" for notification of changes in context of a presentity registered "in at least one of a plurality of roles".

Examiner further cites Godefroid et al (column 6, lines 33 – 44) for disclosing "definition of implicit rules (i.e. "role definition") and explicit rules instead. For example, the implicit rule is, when the door of a user say X is open, in general, any other users can send X an invitation to join a collaborative session; and when X's door is closed, in general, nobody can send X the invitation. To explicitly exclude a user say j from sending an invitation to user i even if i's door is open, the following exception rule can be set door <i> (open) – invite <j> "

As indicated above, the rules of Godefroid (whether implicit or explicit) relate to the user *per se*, and not to the user "in at least one of a plurality of roles". Thus, there is no teaching or suggestion of any "role definition" in Godefroid .

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As requested by Examiner Sall during the telephonic interview of August 13, 2008, the undersigned hereby elaborates and clarifies the difference between the claimed "role" (i.e. "role-based subscription request" and "role definition"), and the implicit and explicit "rules" taught by Godefroid.

The term, "role", is used in Applicant's specification and claims in accordance with its ordinary every day meaning, that is: "(1): a character assigned or assumed <had to take on the *role* of both father and mother (2): a socially expected behavior pattern usually determined by an individual's status in a particular society" (Merriam-Webster Dictionary).

Likewise, in Godefroy, the term "rule" is used in accordance with its ordinary every day meaning, that is "a prescribed guide for conduct or action" (Merriam-Webster Dictionary). For example, in the passage cited by the Examiner, "the implicit rule is, when the door of a user ...X is open, ... any other users can send X an invitation to join a collaborative session; and when X's door is closed...nobody can send X the invitation".

Thus, the terms "rule" and "role" are not equivalent. In particular, the implicit and explicit "rules" of Godefroy do not teach or suggest the particular "roles" that may be assumed by a Presentity according to claims 4 and 7.

Retraction of Examiner's rejection of claims 4 and 7 under 35 U.S.C. 102(e) is respectfully requested.

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Claim Rejections – 35 USC § 103

Claims 9 and 13 – 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Godefroid et al in view of US 6,735,716 (Rowstowfske et al).

As indicated above, claims 9 and 13 – 18 have been cancelled.

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CONCLUSIONS

Applicant believes that this application is now in condition for allowance. To the extent that any issues remain to be resolved, however, applicant requests that the Examiner contact the undersigned to resolve these issues.

The Commissioner is also authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. **502721**.

Respectfully submitted,



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